

FILED - GR

06 SEP -5 AM 10:33

U.S. DISTRICT COURT  
WESTERN DISTRICT OF MICH

1 Donald Williams  
44 1/2 S. Division Apt., 37  
2 Grand Rapids, MI., 49503

3  
4 ***In The United States District Court***  
5 ***For The Western District Of Michigan***

6 Donald Williams, )  
7 ) Case No.:  
8 Plaintiff, ) COMPLAINT  
9 vs. )  
10 Grand Rapids Public Library, )  
11 Defendant, )  
12 )

1:06 CV 0635

Robert Holmes Bell  
Chief, U.S. District Judge

13 Comes Now, the Plaintiff Donald Williams, with his Complaint.

14 **I. COMPLAINT**

15 **A. JURISDICTION**

16 **a) The Plaintiff**

- 17
- 18 1. The Plaintiff is Donald Williams, a citizen of the United States, born at Saint  
19 Mary's Hospital, Grand Rapids, MI., June 15, 1956, and resides at 44 1/2 S.  
20 Division St., SE., Apt., 37, Grand Rapids, MI., 49503.
  - 21 2. The Plaintiff brings this action pursuant Title 28 U.S.C.A. § 1331, 1332, 1343;  
22 Title 42 U.S.C.A. § 1983; Rev. Stat. § 1979; Const. Amend. 1, 5, 8, 14 § 1.

23 **b) The Defendant**

- 24
- 25 1. The Defendant is Grand Rapids Public Library, 111 Library Street N.E, Grand  
Rapids MI., 49503.



1 I told Tim "I'm not on the internet, this picture is on my personal computer." Tim  
2 said, "I don't care, you can't view that in a public place. I'm going to have to ask  
3 you to leave. Close it up (the laptop) you're done." After I packed up my laptop  
4 computer I walked over to the Reference Desk where Tim was and I asked him  
5 his name. He said, "Tim." I said, "Tim what?" He said, "Just Tim." I said, "Over  
6 at the table you said I was done. What did you mean? I'm ban, barred, from the  
7 Library permanently or what?" Tim said, "No, your just ban, barred, from the  
8 library for the day." I, Plaintiff, left the library.

- 9
- 10 1. At 5:45pm I, Plaintiff, went back to the library because I wanted to file a complaint  
11 where Tim was now at the Information Desk, entrance to the library. And, I  
12 asked him, Tim, for a complaint form. Tim said "we don't have a complaint form.  
13 All we have is a suggestion form. You could talk to my supervisor or manager of  
14 the Library on the 4<sup>th</sup> floor." I went to the 4<sup>th</sup> floor and talked with Mr. Baldrige,  
15 assistant director. I told Mr Baldrige that "I viewed a topless woman on my  
16 laptop computer and Tim told me to leave the library for the day." Mr Baldrige  
17 said, "It's our policy not to allow the viewing of nudity in the library". I said "I was  
18 not viewing the picture on the internet. The picture is on my personal computer."  
19 Mr Baldrige said, "We do not allow the viewing of nude pictures in the library at  
20 all. Whether, it is in a magazine, on your personal computer or on the internet.  
21 We have signs in the library prohibiting the viewing of pornography." I asked Mr  
22 Baldrige "Was Tim authorized to tell me to leave the library for the day for  
23 viewing a topless woman on my personal computer." Mr Baldrige said "Yes,  
24 Tim was authorized to tell you to leave the library for the day." I asked Mr  
25 Baldrige, "Wouldn't it have been more appropriate for Tim to have informed me  
of your policy and asked me to stop viewing the picture. And, that if I continued

1 to view the picture that I would then be told to leave the library for the day.  
2 Rather, than just telling me to leave the library for the day.” Mr Baldrige said  
3 “That is something I’ll take into consideration.” (Mr Baldrige gave me, Plaintiff,  
4 the impression that he, Mr Baldrige, was the policy making official). I said to Mr  
5 Baldrige “I would like to file a complaint, but, Tim told me you do not have a  
6 complaint form.” Mr Baldrige said “That is correct. We do not have a complaint  
7 form, but a suggestion form. You could write a complaint onto that.” I, Plaintiff,  
8 thanked Mr Baldrige for his time, leaving the 4<sup>th</sup> floor, and searched the library  
9 for signs prohibiting the viewing of pornography in the library. I, Plaintiff, found  
10 no signs prohibiting the viewing of pornography in the library and left the building,  
11 the Grand Rapids Public Library. From 9/21/05 to the filing of this complaint I,  
12 Plaintiff, have not seen a sign in the Grand Rapids Public Library prohibiting the  
13 viewing of pornography in the Grand Rapids Public Library. (See Exhibit A –  
14 Suggestion Form and Affidavit Of Donald Williams attached hereto and made a  
15 part of this complaint).

16 **b) Unconstitutional Application Of Law**

- 17
- 18 1. The allegation and evidence clearly demonstrates that Defendant dose not have  
19 a complaint form for Plaintiff to challenge or redress Defendant’s unconstitutional  
20 custom or policy of deprivation of Plaintiffs Civil Rights, Const. Amend. 14 § 1, to  
21 public library facilities. Defendant not only affirmatively formulated an  
22 unconstitutional custom or policy which deprives Plaintiff Civil Rights to public  
23 library facilities, but, Defendant also applies that unconstitutional custom or policy  
24 in depriving, circumventing, Plaintiffs Constitutional Rights of due process and  
25 equal protection of the law. West v. Atkins, 487 U.S. 42, 48 (1988); Redding v.  
St. Edward, 241 F.3d 530, 532 (6<sup>th</sup> Cir. 2001). Defendant’s assistant director and

1 policy making official, Mr Baldrige, implicitly authorized and approved a custom  
2 or policy that abridges Plaintiff Civil Rights and knowingly acquiesced in the  
3 unconstitutional conduct of the offending employee, Tim. Leach v. Shelby  
4 County Sheriff, 891 F.2d 1241, 1246 (6<sup>th</sup> Cir. 1989) (citing Hays v. Jefferson, 668  
5 F.2d 869, 874 (6<sup>th</sup> Cir 1982). 42 U.S.C.A. § 1983; Rev. Stat. § 1979; Const.  
6 Amend. 1, 5, 8, 14 § 1. (See Affidavit Of Donald Williams attached hereto and  
7 made a part of this complaint).

8 2. Consequently, Plaintiff was denied access and use of public library facilities,  
9 thereby, depriving Plaintiffs Civil Rights to the First Amendment, Fifth  
10 Amendment, Eight Amendment and Fourteenth Amendment of the Constitution  
11 of the United States (42 U.S.C.A. § 1983; Rev. Stat. § 1979; Const. Amend. 1, 5,  
12 8, 14 § 1). Defendant's preference, ordinance, regulation, custom, policy,  
13 procedure and action of depriving Plaintiff access and use of public library  
14 facilities purposefully, willfully and intentionally deprives Plaintiff of Federally  
15 Secured and Protected Fourteenth Amendment Constitutional Right of due  
16 process and equal protection of the law for Plaintiff to receive goods, services,  
17 facilities, privileges, advantages and accommodations to public library facilities.  
18 Thereby causing Plaintiff to be subjected to cruel and unusual punishments  
19 (harassing and making Plaintiff leave the public library facilities), depriving  
20 Plaintiff of life and liberty, and abridging Plaintiffs privileges and immunities by  
21 persons clothed with the authority of state or local government purporting to act  
22 thereunder by the exercise of power without reasonable justification in the  
23 service of a legitimate governmental objective, County of Sacramento v. Lewis,  
24 523 U.S. 833, 846, 118 S. Ct. 1708, 1716 (1998). Whether or not the conduct of  
25 Defendant was authorized or even if it was prescribed by law. Monroe v. Pape,



1 365, U.S. 167, 187, 81 S.Ct 473, 5 L.Ed.2d 492. The Defendant is liable for the  
2 consequences of Defendants acts in a Civil Rights case so long as the conduct  
3 of Defendant is done under color of law and deprives a Plaintiff of a Civil Right.  
4 Aldridge vs. Mullins, D.C.Tenn.1972 377 F.Supp 850. § 1. 42 U.S.C.A. § 1983;  
5 Rev. Stat. § 1979; Const. Amend. 1, 5, 8, 14 § 1.

6  
7 **C. ARGUMENT**

8 **a) Exhaustion Of State Remedy**

- 9 1. At 5:45pm I, Plaintiff, went back to the library because I wanted to file a complaint  
10 where Tim was now at the Information Desk. And, I asked him, Tim, for a  
11 complaint form. Tim said "we don't have a complaint form. All we have is a  
12 suggestion form. You could talk to my supervisor or manager of the Library on  
13 the 4<sup>th</sup> floor." I went to the 4<sup>th</sup> floor and talked with Mr. Baldrige, Assistant  
14 Director. I said to Mr Baldrige "I would like to file a complaint, but, Tim told me  
15 you do not have a complaint form." Mr Baldrige said "That is correct. We do  
16 not have a complaint form, but a suggestion form. You could write a complaint  
17 onto that." (See Exhibit A – Suggestion Form and Affidavit Of Donald Williams  
18 attached hereto and made a part of this complaint).

19  
20 **b) Rev. Stat. § 1983**

- 21 1. Every person who, under color of any statute, ordinance, regulation, custom, or  
22 usage, of any State or Territory or the District of Columbia, subjects, or causes to  
23 be subjected, any citizen of the United States or other person within the  
24 jurisdiction thereof to the deprivation of any rights, privileges, or immunities  
25 secured by the Constitution and laws, shall be liable to the party injured in an

1 action at law, suit in equity, or other proper proceeding for redress. 42 U.S.C.A.  
2 § 1983.

3  
4 **c) Rev. Stat. § 1979**

- 5 1. Under Rev. Stat. § 1979 to state claim under due process clause, it need not be  
6 alleged that purpose of acts complained of was to discriminate between persons  
7 or classes of persons. To state claim under statute providing for civil action of  
8 deprivation of rights, allegation that act was committed under color of state law is  
9 necessary. Cohen v. Norris, 300 F.2d 24 (9<sup>th</sup> Cir. 1962). A complaint states a  
10 claim under section 1979, if the facts alleged show that the defendant: (1) while  
11 acting under color of state or local authority, (2) subjected the plaintiff, or caused  
12 the plaintiff to be subjected, to the deprivation of any right, privileges or  
13 immunities secured to the plaintiff by the Constitution and laws of the United  
14 States. Marshall v. Sawyer, at page 646; Cohen v. Norris, at page 30. The facts  
15 alleged in a complaint are sufficient with regard to the first of these elements if  
16 they lay groundwork for proof that, at the time in question, the defendant was  
17 clothed with the authority of state or local government and was purporting to act  
18 thereunder. Screws v. United States, 325 U.S. 91, 111, 65 S.Ct. 1031, 89 L.Ed,  
19 1495; Marshall v. Sawyer, 301 F.2d at page 646.
- 20 2. The Defendant's' conduct was engaged in under color of state law if they were  
21 clothed with the authority of the state and were reporting to act thereunder,  
22 whether or not the conduct complained of was authorized or, indeed, even if it  
23 was prescribed by law. Monroe v. Pape, 365, U.S. 167, 187, 81 S.Ct 473, 5  
24 L.Ed.2d 492. It is clear that under "color" of law means under "pretense" of law.  
25 Thus acts of officers in the ambit of their personal pursuits are plainly excluded.  
Acts of officers who undertake to perform their official duties are included

1 whether they hew to the line of their authority or overstep it. The Defendant is  
2 liable for the natural consequences of his acts in a civil rights case so long as his  
3 conduct is done under color of law and deprives a plaintiff of a civil right.  
4 Aldridge vs. Mullins, D.C.Tenn.1972 377 F.Supp 850.

5  
6 **d) Immunity**

- 7 1. Municipal immunity is not deprivative immunity and municipal governments are  
8 not entitled to the same scope of immunity as municipal governmental decision-  
9 makers responsible for unconstitutional policy or custom. Rheuark v. Shaw,  
10 D.C.Tex.1979, 477 F.Supp 897, reversed 628 F.2d 297. State and municipal  
11 officials whose actions violate constitutional rights are not protected by the states  
12 sovereign immunity or by U.S.C.A. Const. Amend 11. Ybarra v. City of Town of  
13 Los Altos Hills, C.A.Cal.1974, 503 F.2d 250. Public officials are not immune from  
14 suit when they transcend their lawful authority by invading constitutional rights.  
15 American Federation of State, County, and Municipal Emp., AFL-CIO v.  
16 Woodward, C.A.Neb.1969, 406 F.2d 137. The judicially fashion doctrine of  
17 official immunity does not reach so far as to immunize criminal conduct  
18 proscribed by an Act of Congress. O'Shea v. Littleton, Ill.1974, 94 S.Ct. 669, 414  
19 U.S. 488, 38 L.Ed 2d 674. Municipalities have no qualified immunity form liability  
20 under Section 1983. Owen v. City of Independence, 445 U.S. 622, 655-58  
21 (1980). A Defendant is liable for the natural consequences of his acts in a civil  
22 rights case so long as his conduct is done under color of law and deprives a  
23 plaintiff a civil right. Aldridge vs. Mullins, D.C.Tenn.1972 377 F.Supp 850. § 1.  
24 Subdivisions of the state, such as counties, and municipalities are not protected  
25 by Eleventh Amendment. Lincoln County v. Luning, 133 U.S. 529, 10 S.Ct. 363,



1 33 L.Ed. 766 (1890). The Eleventh Amendment limits the jurisdiction only as to  
2 suits against a state<sup>1</sup>.

- 3  
4 2. Prospective and declaratory relief against individual state and county officials  
5 should not be dismissed. Under the fiction *Ex parte Young*, officials may be  
6 stripped of their character as agents of the state when they violate federal law.  
7 Lawson, 211 F.3d at 334-335. The state has no power to impart to Defendant  
8 any immunity from responsibility to the supreme authority of the United States.  
9 Ex parte Young, 209 U.S. 123, 28 S.Ct. 441, 52 L.Ed. 714 (1908). Federal  
10 Courts recognize Three exceptions to Eleventh Amendment immunity: (1)  
11 waiver/consent by the state, (2) abrogation of immunity by Congress, and (3)  
12 prospective injunctive relief pursuant to Ex Parte Young, 209 U.S. 123, 28 S.Ct.  
13 441 (1908). Lawson, 211 F.3d at 334-35.

14 **e) Due Process And Equal Protection**

- 15 1. According to the mandates of U.S.C.A. Const. Amend. 14 and this section a  
16 person's right to good name, reputation, honor & integrity are important and must  
17 be protected by courts. Warren v. National Ass'n of Secondary School  
18 Principals, D.C.Tex.1974, 375 F.Supp 1043. This section providing civil action  
19 for deprivation of rights embraces deprivation of both due process of law and  
20 equal protection of laws, it contemplates such deprivation through  
21 unconstitutional application of law by conspiracy or otherwise and it permits  
22 damages, including punitive damages. Mansell v. Saunder, C.A.Fla.1967, 372  
23 F.2d 573.

---

24 <sup>1</sup> Suits may be brought by private citizens against counties and municipalities under section 1983. Monell  
25 v. Department of Social Services, 436 U.S. 658, 98 S.Ct. 2018, 56 L.Ed. 2d 611 (1978).

1 2. Action based on this section providing that every person who under color of any  
2 statute, ordinance, etc., of any state or territory subjects any citizen of United  
3 States or other person within jurisdiction thereof to deprivation of any rights,  
4 privileges or immunities secured by the Constitution and laws shall be liable to  
5 injured party is not limited to due process, but extends also to denial of equal  
6 protection. Hoffman v. Halden, C.A.Or.1959, 268 F.2d 280. Conduct under color  
7 of state law that can be fairly characterized as intentional, unjustified, brutal and  
8 offensive to human dignity violates victims constitutional right to due process.  
9 Meredith v. State of Ariz., C.A.Ariz1975, 523 F.2d 481. So long as the conduct of  
10 defendant is done under color of law and deprives a plaintiff of a civil right a  
11 defendant is liable for the natural consequences of his acts in a civil rights case.  
12 Aldridge v. Mullins, D.C.Tenn, 1972, 377 F.Supp 850. Lack of ascertainable  
13 standards is violation of due process actionable under this section. Barnes v.  
14 Merritt, C.A.Ga.1967, 376 F.2d 8.

15 **f) Harassment - MCL 600.2907. Malicious persecution or action; civil**  
16 **liability, penalty**

17  
18 1. Sec. 2907. Every person who shall, for vexation and trouble or maliciously,  
19 cause or procure any other to be arrested, attached, or in any way preceded  
20 against, by any process or civil or criminal action, or in any other manner  
21 prescribed by law, to answer to the suit or prosecution of any person, without the  
22 consent of such person, or where there is not such person known, shall be liable  
23 to the person so arrested, attached or preceded against, in treble the amount of  
24 damages and expenses which, by any verdict, shall be found to have been  
25 sustained and incurred by him; and shall be liable to the person in whose name  
such arrest or proceeding was had in the sum of \$200.00 damages, and shall be

1 deemed guilty of a misdemeanor; punishable on conviction by imprisonment in  
2 the county jail for a term not exceeding 6 months.

- 3  
4 2. An action for abuse of process of malicious persecution must have as it heart the  
5 malicious, willful disregard of rights, or intentionally injurious conduct, of  
6 defendant, particularly in attempting to subvert, processes of law. Rice v.  
7 Winkelman Bros. Apparel, Inc, (1968) 164 N.W.2d417, 13 Mich.App. 281.

8 **g) Triable Issues Of Material Fact**

- 9 1. This is a Civil Rights case against the Defendant's for deprivation of Civil Rights,  
10 42 U.S.C.A. § 1983; Rev. Stat. § 1979; Const. Amend. 1, 5, 8, 14 § 1.
- 11 2. Defendant affirmatively and by omission, with regard to Plaintiff Civil Rights to  
12 public facilities, did formulate a custom or policy which abridged Plaintiff Civil  
13 Rights, Const. Amend. 14 § 1, and deprived Plaintiff access and use of public  
14 library facilities, privileges and immunities. West v. Atkins, 487 U.S. 42, 48  
15 (1988); Redding v. St. Edward, 241 F.3d 530, 532 (6<sup>th</sup> Cir. 2001).
- 16 3. Defendant's assistant director and policy making official, Mr Baldrige, implicitly  
17 authorized and approved a custom or policy which deprives Plaintiffs Federally  
18 Secured and Protected Constitutional Rights and knowingly acquiesced in the  
19 unconstitutional conduct of the offending employee, Tim. Leach v. Shelby  
20 County Sheriff, 891 F.2d 1241, 1246 (6<sup>th</sup> Cir. 1989) (citing Hays v. Jefferson, 668  
21 F.2d 869, 874 (6<sup>th</sup> Cir 1982).
- 22 4. The offending employee Tim in an act of abuse of process (due process and  
23 equal protection of the law) and malicious persecution had an unfaithful heart  
24 with malicious, willful disregard of Plaintiff Civil Rights and intentionally injurious  
25 conduct of defendant (MCL 600.2907), particularly in subverting that process of

1 law (due process and equal protection of the law, MCL 600.2907). Rice v.  
2 Winkelman Bros. Apparel, Inc., (1968) 164 N.W.2d417, 13 Mich.App. 281.

3  
4 **D. CLAIM**

5 **a) Plaintiff Claims Defendant's Preference, Ordinance, Regulation,**  
6 **Custom, Policy, Procedure, And Actions Of requiring Plaintiff to**  
7 **Leave Grand Rapids Public Library Facilities Deprive Plaintiff Of**  
8 **Federally Secured and Protected Fourteenth Amendment**  
9 **Constitutional Right Of Due Process And Equal Protection Of The**  
10 **Law To Access Public Library Facilities.**

11 1. Plaintiff claims Defendant's preference, ordinance, regulation, custom, policy,  
12 procedure, and actions of depriving Plaintiff access to public library facilities  
13 purposefully, willfully and intentionally deprives Plaintiff of Federally Secured and  
14 Protected Fourteenth Amendment Constitutional Right of due process and equal  
15 protection of the law, Constitutional Amendment 14 § 1. Defendant thereby  
16 subjecting Plaintiff to the deprivation of goods, services, facilities, privileges,  
17 immunities, advantages and accommodations to public facilities. Defendant  
18 thereby causing Plaintiff to be subjected to cruel and unusual punishments  
19 (harassing Plaintiff to leave public library, Constitutional Amendment 8) and  
20 abridging Plaintiffs privileges and immunities and depriving Plaintiff of life and  
21 liberty without due process and equal protection of the law, Constitutional  
22 Amendment 5, 14 § 1. And, causing Plaintiff to be deprived of a redress of  
23 grievances to challenge Defendant in having no complaint form, Constitutional  
24 Amendment 1, by persons clothed with the authority of state and local  
25 government proorting to act thereunder by an affirmative abuse of power

1 without reasonable justification in any service of a legitimate governmental  
2 objective, Constitutional Amendment 14 § 1. Title 28 U.S.C.A. § 1331, 1332,  
3 1343; Title 42 U.S.C.A. § 1983; Rev. Stat. § 1979; Const. Amend. 1, 5, 8, 14 § 1.

4  
5 **b) Plaintiff Claims Defendant's Preference, Ordinance, Regulation,**  
6 **Custom, Policy, Procedure, And Actions Of Requiring Plaintiff to**  
7 **Leave Grand Rapids Public Library Facilities Deprive Plaintiff Of**  
8 **Federally Secured and Protected Fourteenth Amendment**  
9 **Constitutional Right Of Due Process And Equal Protection Of The**  
10 **Law To Access Public Library Facilities. Thereby Subjecting**  
11 **Plaintiff And Causing Plaintiff To Be Subjected To Harassment.**

- 12 1. Plaintiff claims Defendant's preference, ordinance, regulation, custom, policy,  
13 procedure, and actions of depriving Plaintiff access to public library facilities  
14 purposefully, willfully and intentionally deprives Plaintiff of Federally Secured and  
15 Protected Fourteenth Amendment Constitutional Right of due process and equal  
16 protection of the law, Constitutional Amendment 14 § 1. Defendant thereby  
17 subjecting Plaintiff to the deprivation of goods, services, facilities, privileges,  
18 immunities, advantages and accommodations to public facilities. Defendant  
19 thereby causing Plaintiff to be subjected to cruel and unusual punishments  
20 (harassing Plaintiff to leave public library, Constitutional Amendment 8) and  
21 abridging Plaintiffs privileges and immunities and depriving Plaintiff of life and  
22 liberty without due process and equal protection of the law, Constitutional  
23 Amendment 5, 14 § 1. And, causing Plaintiff to be deprived of a redress of  
24 grievances to challenge Defendant in having no complaint form, Constitutional  
25 Amendment 1, by persons clothed with the authority of state and local  
government purporting to act thereunder by an affirmative abuse of power



1 without reasonable justification in any service of a legitimate governmental  
2 objective, Constitutional Amendment 14 § 1. Title 28 U.S.C.A. § 1331, 1332,  
3 1343; Title 42 U.S.C.A. § 1983; Rev. Stat. § 1979; Const. Amend. 1, 5, 8, 14 § 1.

4  
5 **E. DAMAGES**

6 **a) Fiscal Year Budget of The City Of Grand Rapids, Michigan**

- 7 1. The City of Grand Rapids, Michigan, Fiscal Year Budget for 2005 is \$265,  
8 000,000, <http://www.grand-rapids.mi.us/>.

9  
10 **b) Injunctive Relief**

- 11 1. District court has power to grant injunctive relief where there has been  
12 deprivation of civil rights. Sewell v. Pegelow, C.A.4 (Va.) 1961, 291 F.2d 196.  
13 Schnell v. City Of Chicago, C.A.7 (Ill.) 1969, 407 F.2d 1084. Dixon v. Duncan,  
14 D.C. Va. 1963, 218 F.Supp. 157.

15 **WHEREFORE**, the Plaintiff requests that this Court enter an Order:

- 16 2. Declaring that the discriminatory customs, policies, practices, procedures and  
17 prejudices of the Defendant's purposeful, willful and intentional deprivation of  
18 Plaintiffs Civil Rights to public library facilities violate Title 28 U.S.C.A. § 1331,  
19 1332, 1343; Title 42 U.S.C.A. § 1983; Rev. Stat. § 1979; Const. Amend. 1, 5, 8,  
20 14 § 1 and such deprivations of Plaintiffs Civil Rights by Defendant's  
21 discriminatory customs, policies, practices, procedures and prejudices are  
22 unconstitutional, and
- 23 3. Enjoining Defendant, their employees, agents, and successors, and all other  
24 persons in active concert or participation with them from engaging in any act or  
25 practice which on the basis of any discriminatory customs, policies, practices,

1 procedures and prejudices deprives any Civil Rights secured by Title 28 U.S.C.A.  
 2 § 1331, 1332, 1343; Title 42 U.S.C.A. § 1983; Rev. Stat. § 1979; Const. Amend.  
 3 1, 5, 8, 14 § 1, and

- 4 4. Requiring Defendant, their employees, agents, and successors, and all other  
 5 persons in active concert or participation with any of them to take such  
 6 affirmative steps as may be necessary to remedy the past unlawful conduct of  
 7 deprivation of Civil Rights, discriminatory customs, policies, practices,  
 8 procedures and prejudices.

9  
 10 **c) Compensatory Relief**

- 11 1. The Plaintiff further prays for such additional relief as the interests of justice may  
 12 require together with compensatory, mental and emotional stress and punitive  
 13 damages.
- 14 2. Compensatory damages for deprivation of federal rights are governed by federal  
 15 standards, both federal and state rules may be utilized. Sullivan v. Little Hunting  
 16 Park, Inc., U.S. Va. 1969, 90 S.Ct. 400, 396 U.S. 229, 24 L.Ed.2d 386.  
 17 Compensatory damages in Sec. 1983 may not only include out-of-pocket loss  
 18 and monetary harms but also injuries as impairment of reputation, personal  
 19 humiliation and mental anguish and suffering. Coleman v. Rahija, C.A.8 (Iowa)  
 20 1997, 114 F.3d 778.

<b>Compensatory Relief</b>	
Personal Humiliation – Told could not view nude picture in the library and told to leave the library in Violation of Civil Rights to privileges and immunities, services and facilities, and of life and liberties.	\$1,500,000.00
Harassment - Defendant subjecting Plaintiff to cruel and unusual punishments (harassing Plaintiff to leave public library, Constitutional Amendment 8) and abridging Plaintiffs privileges	\$1,500,000.00

and immunities and depriving Plaintiff of life and liberty without due process and equal protection of the law.	
<b>Total Compensatory Damages</b>	<b>\$3,000,000.00</b>

**Table 1 Compensatory Relief**

**d) Mental & Emotional Stress Relief**

<b>Mental &amp; Emotional Stress Relief</b>	
Mental Anguish – Had to leave library in violation of Civil Rights to access public facilities.	\$1,000,000.00
Emotional Anguish – Could not redress violation of Civil Rights Defendant has no complaint form, had to File United States District Court.	\$1,000,000.00
<b>Total Mental, Emotional &amp; Financial Damages</b>	<b>\$2,000,000.00</b>

**Table 2 Mental & Emotional Stress Relief**

**e) Punitive Relief**

1. Punitive Damages are imposed in civil rights action for their effect on defendant and to vindicate public interest in deterring malicious or wanton conduct by public officials and in arriving at appropriate amount to be awarded in punitive damages, court must take into consideration severity of constitutional violation and what is necessary to reasonably deter such conduct in the future. Aumiller v. University of Delaware, D.C. Del., 1977, 434 F.Supp 1273.

<b>Punitive Relief</b>	
Deprivation of Federally Secured and Protected Constitutional Rights, Const. Amend. 1, 5, 8, 14 § 1, Due Process and Equal Protection of the Law.	\$10,000,000.00
<b>Total Punitive Damages</b>	<b>\$10,000,000.00</b>

1 **Table 3 Punitive Relief**

2 **f) Total Relief**

<b>Total Relief</b>	
<b>Total Damages</b>	<b>\$15,000,000.00</b>

3 **Table 4 Total Relief**

4 **F. JURY INSTRUCTIONS**

- 5
- 6
- 7
- 8 2. FRCP Rule 38(a)(b): The right of trial by jury as declared by the Seventh
- 9 Amendment to the Constitution or as given by a statute of the United States shall
- 10 be preserved to the parties inviolate. (b) Any party may demand a trial by jury of
- 11 any issue triable of right by a jury by (1) serving upon the other parties a demand
- 12 therefor in writing at any time after the commencement of the action and not later
- 13 than 10 days after the service of the last pleading directed to such issue, and (2)
- 14 filing the demand as required by Rule 5(d). Such demand may be indorsed upon
- 15 a pleading of the party.
- 16 3. The Plaintiff requests a class action determination, jury trial demanded.

17 **WHEREFORE**, Plaintiff prays this Honorable Court radically discipline Defendant for

18 deprivations of Plaintiffs Federally Secured and Protected Constitutional Rights.

19

20 Dated This Tuesday, September 5, 2006

21 By:



<p>22 <b>Donald V. Williams</b></p> <p>23 <b>44 ½ S. Division St., SE., Apt., 37</b></p> <p>24 <b>Grand Rapids, MI., 49503</b></p>
--

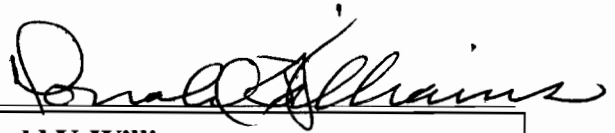
25

1 **G. DECLARATION UNDER PENALTY OF PERJURY**

2 I declare (or certify, verify, or state) under penalty of perjury that the foregoing  
3 [Complaint] is true and correct. 28 U.S.C. § 1746; 18 U.S.C. §§ 1621, et seq.

4 Dated This Tuesday, September 5, 2006

6 By:

7 

8 **Donald V. Williams**  
9 **44 ½ S. Division St., SE., Apt., 37**  
10 **Grand Rapids, MI., 49503**